

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

ROY DEROUEN

§

VS.

§

CIVIL ACTION NO. 5:14cv106

DIRECTOR, TDCJ-CID

§

MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Roy Derouen filed the above-styled petition for writ of habeas corpus.¹ The Court previously referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636.

The respondent has filed a motion to dismiss. Docket No. 14. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion be granted. Docket No. 16.

Petitioner complained of a prison disciplinary conviction. The respondent asserted that the petition was moot because the disciplinary conviction was overturned and petitioner's good conduct time credits restored. Petitioner filed a Notice of Joinder agreeing that the petition was moot and should be dismissed. Docket No. 15. In her Report and Recommendation, the Magistrate Judge concluded that as the dismissal and expungement of a disciplinary case renders a claim for federal habeas relief based upon the case moot, the petition should be dismissed. No written objections were filed. Having considered the Report and Recommendation for plain error, along with the record, pleadings and all available evidence, the Court **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court.

CONCLUSION

For the reasons stated above, the findings of fact and conclusions of law of the Magistrate judge are correct, and the Report of the Magistrate Judge is **ADOPTED**. The motion to dismiss is

¹ The petition was filed *pro se*. The Court subsequently appointed counsel to represent petitioner.

GRANTED. A final judgment will be entered in accordance with the Magistrate Judge's recommendation.

SIGNED this 16th day of December, 2016.



ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE